

City Council Communication

<p>Department: Community Development</p> <p>Cases #SUB-23-004 & #PR-16-003(M2)</p> <p>Applicant/Developer: EB-WLG Affordable Limited Partnership c/o Arun Agarwal 10404 Essex Court, Suite 101 Omaha, NE 68114</p> <p>Property Owner: City of Council Bluffs 209 Pearl Street Council Bluffs, Iowa 51503</p>	<p>Resolution No. _____</p>	<p>CASE #SUB-23-004: 4/24/2023</p> <p>CASE #PR-16-003(M2): 4/24/2023</p> <p>Planning Commission: 4/11/2023</p>
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Subject

Request: Combined public hearings on the request of EB-WLG Affordable Limited Partnership for final plat approval of a 17-lot subdivision to be known as West Broadway Village, legally described as being a replat of Block 12, Bryant and Clark’s Addition, along with the vacated east/west alley adjacent, City of Council Bluffs, Pottawattamie County, Iowa, and to amend the adopted PR/Planned Residential development plan on said property.

Location: Undeveloped land lying south of 1st Avenue and north of 2nd Avenue, between South 28th and South 29th Streets.

Background/Discussion

In October 2019, the Council Bluffs Community Development Department released a Request for Proposals (RFP) to solicit interest from private developers to build multi-family housing on the subject property legally described above. The applicant’s company, White Lotus Group, submitted a proposal that included a three-story 84-unit apartment building along the north side of the property, adjacent to 1st Avenue, and 12 townhomes on the south side of the property, adjacent to 2nd Avenue (see Attachment A). On February 24, 2020, the Council Bluffs City Council adopted Resolution No. 20-68, which selected White Lotus Group as the preferred developer for the subject property. Then the applicant adopted a PR/Planned Residential development plan (Case #PR-16-001(M), Resolution No. 20-183) for their mixed use development, which established specific standards for architecture, landscaping, signage, building setbacks/lot coverage, off-street parking, utilities, etc.

In recent months, the applicant has changed their project pro-forma from being 100% rental units to a mixture of 84 apartments and 12-16 townhomes that will be platted and sold separately to individual owners. The applicant determined this change to the project’s pro-forma was necessary in order to address rising construction costs in the wake of the COVID-19 pandemic. Due to these changes, the applicant is requesting approval to replat the subject property into 17-lots and to amend their adopted planned residential development plan accordingly.

Current Zoning & Land Use

The subject property is a former industrial site that was acquired by the City of Council Bluffs in August 2013. All of the former industrial buildings have been demolished and the land has been prepared for redevelopment. On February 8, 2016, the Council Bluffs City Council rezoned the property from I-1/Light Industrial District

to R-3/Low Density Multi-family Residential District (see CASE #ZC-15-020, Ordinance No. 6262). Then on March 25, 2019 the City Council rezoned the property from R-3 District to R-4/High Density Residential District (see CASE #ZC-19-001, Ordinance No. 6381). The purpose of each rezoning was to encourage medium to high density residential development on the property that is consistent with the Bluffs Tomorrow: 2030 Comprehensive Plan and the West Broadway Corridor Plan.

Surrounding zoning in the general vicinity of the request includes C-2/Commercial District to the east, north, and west, and R-3 District to the south (see Attachment B). Additionally, the subject property is located within the West Broadway Corridor Design Overlay. Land uses in the general vicinity include: the 1st Avenue trail and retail commercial to the north; single-family/two-family uses to the south; contractor shops and undeveloped land to the east, and the Grass Wagon event space to the west.

The future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as Multi-family/Mixed-use. The West Broadway Corridor Plan shows the property being developed with single-family residential dwellings on the south-half of the block (facing 2nd Avenue) and two multi-family apartment buildings on the north-half of the block facing 1st Avenue. The proposed development plan amendment is generally consistent with the Bluffs Tomorrow future land use plan designation as well as the redevelopment concept shown in the West Broadway Corridor Plan for the subject property.

Comments

CASE #SUB-23-004: Final plat approval of a 17-lot residential subdivision to be known as West Broadway Village, legally described as being a replat of Lots 1 through 16, Block 12, Bryant and Clark's Subdivision, along with adjacent vacated alley, all in the City of Council Bluffs, Pottawattamie County, Iowa (see Attachment C). The subject property is comprised of 2.54 acres of land that is geographically bounded by 1st Avenue to the north, South 28th Street to the east, South 29th Street to the west, and 2nd Avenue to the south. The purpose of this final plat is to establish new lots of record for a proposed 84-unit apartment building on Lot 1, West Broadway Village, and 16 new townhomes on Lots 2-17, West Broadway Village.

1. The subject property is zoned R-4/High Density Multi-Family Residential District and contains a total of 2.54 acres of land. The proposed subdivision is generally consistent with the Bluffs Tomorrow: 2030 Plan and the purpose and intent of the Council Bluffs Municipal Code (Subdivision and Zoning Ordinances).
2. The purpose of this final plat is to establish new lots of record for a proposed 84-unit apartment building on Lot 1, West Broadway Village, and 16 new townhomes on Lots 2-17, West Broadway Village. All construction activity and site development on said lots shall comply with the adopted PR/Planned Residential Development Plan (Cases PR-16-003(M) and PR-16-003(M2) and any future amendments to said plans.
3. The applicant's letter of intent states the subdivision will be developed in three phases. Phase 1 consists of 12 townhomes on Lots 2 – 14 with construction anticipated to start in June 2023. Phase 2 consists of an 84-unit apartment building on Lot 1 with an undetermined start date. Phase 3 consists of four townhomes on Lots 14-17 with an undetermined start date.
4. Proposed Lot 1, West Broadway Village contains 85,769 square feet of land area, which allows for a maximum of 107 apartment units, based on minimum lot size requirements stated in Section 15.11.050, *Site Development Regulations*, of the R-4/High Density Residential District of the Council Bluffs Municipal Code (Zoning Ordinance).

5. Proposed Lots 2 through 17, West Broadway Village will be developed into townhomes. Each townhome unit will then be sold separately to a private entity. The minimum lot size for a townhome in an R-4 District is 2,500 square feet, as per Section 15.11.050, *Site Development Regulations*, of the R-4/High Density Residential District of the Council Bluffs Municipal Code (Zoning Ordinance). Proposed Lots 2 and 17, West Broadway Village exceed the minimum lot size for a townhome in an R-4 District, as they are the end units in their respective set of townhomes. Proposed Lots 2 through 16 vary between 1,326 square feet to 1,541 square feet as each townhome measures 21.21 feet width by 74.54 feet in depth. Per Section 15.11.050, *Site Development Regulations*, of the R-4/High Density Residential District of the Council Bluffs Municipal Code (Zoning Ordinance), the minimum lot size for a townhome dwelling with a lot line coinciding with a common wall is 2,500 square feet. The required 2,500 square feet is not practicable based on the dimensions of each townhome and the layout of the lots in the subdivision; therefore a variance from the minimum lot size is needed.

Section 14.11.040, *Variances*, of the Council Bluffs Municipal Code (Subdivision Ordinance) states: “where it can be shown that due to special conditions, a literal enforcement of this ordinance will result in an unnecessary hardship, the City shall have the power to vary such regulation so that substantial justice will be accomplished, provided that such variance would:

1. Not be in contrary to the public interest;
2. Be in the best interest of the City;
3. Be within the spirit and intent of this title;
4. Not be detrimental to the future residents in and near the proposed subdivision;
5. Be consistent with the City’s comprehensive plan.”

The Community Development Department has reviewed the applicant’s variance request and recommends approval for the following reasons:

- a. The proposed subdivision is part a master planned development that includes a mixture of housing typologies, lot sizes, and cross access easements for parking and utilities. The need for flexible lot sizes is important to ensure that each lot in this master planned development can be fully served with utilities, have appropriate ingress/egress access, and be constructed in an orderly and efficient manner.
 - b. The City’s Comprehensive Plan encourages a variety of housing types in order to meet the needs of the community. The applicant’s proposal includes 84 apartment units and 16 townhomes units that will be marketed to households of varying income levels. The mixture of housing typologies is in the overall best interest of the City.
 - c. The applicant has engineered and designed the subdivision to be compatible with existing development in the surrounding area. The subdivision variances are not anticipated to be detrimental to the future residents in and/or adjacent to the subdivision.
6. All proposed lots in this subdivision have frontage on a public right-of-way (1st Avenue, 2nd Avenue, South 28th Street, and/or South 29th Street). Direct vehicular access to each lot will be handled via a shared egress/ingress easement along the south side of proposed Lot 1, West Broadway Village. No street extensions are required to be completed with the proposed subdivision. Additionally, no direct vehicular access shall be allowed from any lots within the subdivision onto 1st Avenue. A note dedicating all rights of direct vehicular access onto 1st Avenue to the City of Council Bluffs shall be included on the final plat.
7. Lot 1 contains a stormwater detention easement for the benefit of stormwater runoff within the West Broadway Village Subdivision. A note on the final plat dedicates this easement to the City of Council Bluffs; however, said easement is for the benefit of the private parties within this subdivision and not the community at-large. The developer shall work with the Council Bluffs Public Works Department to determine the appropriate language for dedication and maintenance of said easement on the final plat prior

to it being executed and recorded.

8. The proposed final plat does not state the standard franchise utility easement language for the installation and maintenance of utilities along all front, rear, and side property lines. The standard five-foot and 10 foot-wide easements can be shall reserved along the front, rear, and sides of proposed Lot 1, West Broadway Village for installation and maintenance of utilities. The standard five-foot and 10 foot-wide franchise utility easements are not practicable along the front, rear, and/or sides of proposed Lots 2-17, West Broadway Village due to their unique size for townhomes on said lots. Instead, the applicant is proposing the following franchise utility easements, which coincide with setbacks on said lots:
- Front = 5 feet
 - Rear = 3 feet
 - Side (interior along shared common wall between townhome units) = 0 feet
 - Side (interior between townhome structures) = 10 feet
 - Street Side (exterior facing South 28th and South 29th Streets) = 10 feet

The applicant shall verify with the each utility provider their proposed modified franchise utility easement for Lots 2 through 17 are acceptable, and the final plat shall be updated to include all franchise utility easement language prior to being executed and recorded. All utilities shall be installed underground and any cost to construct, remove, and/or relocate any utilities within the proposed subdivision shall be the responsibility of the applicant and not the City. Additionally, all easements shall be identified and recorded with the Pottawattamie County Recorder's Office prior to issuance of any building permits.

9. Sidewalks shall be installed along the frontages of 2nd Avenue, South 28th Street, and South 29th Street in order to provide safe pedestrian access to the existing sidewalk/trail network adjacent to this subdivision. Since the development will be constructed in phases, the timing of said sidewalk construction will be determined as part of the building permit review for each phase. All sidewalk construction shall be completed by the developer and at no cost to the City.
10. The subdivision is located within a Flood Zone 'X', according to FEMA Map Number 19155C0394E, dated February 4, 2005 and is protected from flooding by a levee along the Missouri River.
11. All City Departments and local utility providers were provided a copy of the proposed final plat to review. The following comments were received:
- a. Council Bluffs Water Works stated a water main extension is required for the development and they have been in contact with the developer to discuss it.
 - b. MidAmerican Energy stated they had conversations with the developer regarding the proposed five foot easement along the front of the townhomes (adjacent to 2nd Avenue) and the three foot easement along the rear of the townhomes. MidAmerican stated they will require the necessary space and easements to meet minimum codes and clearances, as well as, separation distances from other utilities and obstructions. MidAmerican further stated that if the easements and setbacks shown on the plat do not provide for these requirements than additional private easements with the developer may be required.
12. The following technical corrections must be made to the final plat prior to being signed by the City:
- a. Place a note on the plat that dedicates all rights of direct vehicular access onto 1st Avenue right-of-way to the City of Council Bluffs.
 - b. Show all underlying parcel lines and lot identification numbers in half-tone font.
 - c. Place a note on the plat that addresses maintenance responsibility for the stormwater detention easement on proposed Lot 1, West Broadway Village.
 - d. Remove 'Major Subdivision' from the subdivision header description

CASE #PR-16-003(M2) – See Attachment ‘D’

Section 15.28.010, *P-R/Planned Residential Overlay*, *Statement of Intent* of the Council Bluffs Zoning Ordinance states “the planned residential overlay is established to permit flexibility in the use and design of structures and land in situations where conventional development may be inappropriate and where modifications of the requirements of the underlying zone would not be inconsistent with the Comprehensive Plan or harmful to the neighborhood in which it is located”. The applicant has requested to amend the adopted planned residential development plan for West Broadway Village, which was approved by City Council on July 27, 2020 via Resolution No. 20-183. The following development standards shall now apply to the subject property.

Note: Changes/edits to the adopted development plan are shown with strikethroughs and highlighted text

1. Site Development

- a) The minimum tract of land required for a PR Overlay is 1.5 acres. The subject property contains 2.5 acres which exceeds the minimum PR Overlay lot size requirement.
- b) All site access shall be limited to the South 28th and South 29th Streets. No direct vehicular access onto 1st Avenue and/or 2nd Avenue shall be allowed.
- c) The subject property is comprised of an entire subdivision block (Block 12, Bryant and Clark’s Subdivision) and therefore has frontage on all sides. Building setbacks in this development are based on design recommendations stated in the West Broadway Corridor Plan and compatibility with the surrounding area. The following minimum building setbacks shall apply:

Apartment building Proposed Lot 1, West Broadway Village (Apartment site)

~~Building setback range of 0’-20’ from the north property line adjacent to 1st Avenue right-of-way.~~

~~Building setback range of 0’-15’ from the east and west property lines adjacent to South 28th and South 29th Street rights-of-ways.~~

Perimeter setback ranging from 10 to 20 feet from all property lines

Townhomes Proposed Lots 2-17, West Broadway Village (Townhomes)

~~Building setback range of 0’-20’ from the south right-of-way line adjacent to 2nd Avenue right-of-way~~

~~Building setback range of 0’-15’ from the east and west property lines adjacent to South 28th and South 29th Street rights-of-ways.~~

- Front setback (Abutting 2nd Avenue right-of-way): Ranging between 5 to 10 feet
- Street-side setback (Abutting South 28th and South 29th Street right-of-way): Ranging from 5 to 10 feet
- Interior setback (along shared common wall/property line): 0 feet
- Interior setback: 5 feet
- Rear setback: 3 feet

- d) Accessory structures shall be located internally within the site and shall not be placed between the north, east, and west apartment façade walls and the adjacent 1st Avenue, South 28th and South 29th Street rights-of-ways, nor shall any accessory structure be placed between the south façade wall of the townhomes and the adjacent 2nd Avenue right-of-way line.

- e) The maximum lot coverage for property zoned R-4/High-Density Residential District is 60%, as per Section 15.11.050, *Site Development Regulations*, of the Council Bluffs Zoning Ordinance. Based on the submitted site plan layout the proposed ~~development will comply with this requirement~~ apartment

building on Lot 1, West Broadway Village will comply with the maximum 60% lot coverage standard; however, the townhomes on Lots 3-16, West Broadway Village will require an increased amount of lot coverage in order to be constructed on said lots. The maximum lot coverage shall be as follows:

Lots 1, 2, and 17: 60%

Lots 5, 6, 9, 10, 13, and 14: 75%

Lots 3, 4, 7, 8, 11, 12, 15, and 16: 90%

- f) The maximum height for all principal and accessory structures shall comply with R-4/High-Density Residential District site development standards.
- g) All trash receptacles shall be enclosed on three sides and screened from public view with materials similar to those of the primary building. The enclosure shall have a lockable gate which when closed completely eliminates view of the dumpster.
- h) All proposed fencing shall comply with Section 15.24.040, *Fence regulations* of the Council Bluffs Zoning Ordinance.
- i) A minimum five foot-wide concrete sidewalk shall be constructed along the frontages abutting 2nd Avenue, South 28th and South 29th Streets.
- j) A minimum five foot-wide concrete sidewalk shall be constructed that connects the primary entrance(s) of the apartment building and townhomes to the adjacent public sidewalks/trail along 1st Avenue, 2nd Avenue, South 28th Street, and South 29th Streets.
- k) No outdoor lighting is shown on the development plan. All light poles shall be constructed out of finished aluminum or steel. Wood poles are not allowed. Pedestrian oriented lights shall not exceed 15 feet in height, as measured from finished grade to the highest point of the light. Parking lot lighting shall not exceed a maximum height of 30 feet, as measured from finished grade to the highest point of the light. All outdoor lights shall be arranged and placed on the subject property in a manner that complies with standards stated in Section 15.24.050, *Lighting Controls*, of the Municipal Code (Zoning Ordinance).
- l) Outside storage is not allowed. This includes the temporary and/or permanent placement of intermodal/shipping storage containers.
- m) The proposed development shall comply with all applicable building and fire codes as deemed required by the Council Bluffs Fire Department and the Permits and Inspections Division.

2. West Broadway Corridor Design Overlay

- a) ~~A portion of the subject property (Lots 1, 8, 9 and 16, Block 12, Bryant and Clark's Subdivision) is located within a designed Corridor Design Overlay.~~ The subject property is located within the West Broadway Corridor Overlay and therefore shall comply with all standards stated in Chapter 15.32A, *West Corridor Design Overlay*, of the Council Bluffs Municipal Code (Zoning Ordinance). In instances where there is conflict with the West Broadway Corridor Overlay, the adopted planned residential development plan shall supersede the standards stated in said Chapter 15.32A.

3. Landscaping

- a) The submitted landscaping plan is generally acceptable with the following modifications:
 - 1. Specify the type, height, and size of all proposed landscaping plantings on the landscaping plan that is submitted with the building permit submittal. All proposed landscape plantings shall comply with the minimum size requirements stated in the West Broadway Corridor Design Overlay Plant List, as per Chapter 15.32A of the Council Bluffs Zoning Ordinance.
 - 2. The following tree types/quantities shall be planted ~~with the rights-of-way adjacent to the~~ within the frontage areas of the property in coordination with each phase of development, and to avoid any conflicts with existing landscaping in 1st Avenue and overhead power lines within South 28th Street, South 29th Street, and 2nd Avenue rights-of-way:

- a. One large deciduous shade tree shall be planted for every 35 feet of linear frontage along South 28th and South 29th Streets. ~~All trees shall be planted within said street rights-of-way, between the back of curb and the public sidewalk, and.~~ All trees shall be as evenly dispersed as possible.

The applicant's updated landscaping plan shows 10 deciduous trees along the frontages of South 28th Street and South 29th Streets, which complies with the above stated standards.

- b. One large deciduous shade tree shall be planted for every 35 feet of linear frontage along 2nd Avenue. ~~All trees shall be planted within said street right-of-way, between the back of curb and the public sidewalk, and~~ All trees shall be as evenly dispersed as possible.

The applicant's updated landscaping plan shows 8 deciduous trees and 5 ornamental trees being planted along 2nd Avenue. A minimum of 11 deciduous trees are required, based on the property's linear frontage (400 feet) and calculation specified above. City staff deems the applicant's proposal to plant 8 deciduous trees and 5 ornamental trees along 2nd Avenue acceptable, as the combined quantity of the two tree species exceeds the minimum number of required deciduous tree plantings.

- c. One large deciduous shade tree shall be planted for every 50 feet of linear frontage along the north side of the apartment building and adjacent to 1st Avenue right-of-way. The species type and physical placement shall be coordinated with the Council Bluffs Parks and Recreation Department to ensure there is no conflict with their planned "fall color arboretum" that will be installed as part of the City's 1st Avenue trail project.

The applicant's updated landscaping plan shows a total of 12 deciduous trees being planted along the 1st Avenue frontage area, which complies with the above referenced tree planting standards.

Note: All proposed trees within the City's right-of-way shall be reviewed and approved by the Council Bluffs Public Works Department prior to installation.

3. Foundation plantings shall be placed along the perimeter of all building facades visible from an adjacent right-of-way at a minimum rate of one shrub per one lineal foot of facade length.

The applicant's updated landscaping plan shows each townhome will have between 2-3 foundation shrubs along their southerly façade facing 2nd Avenue, and the townhome units on Lots 2 and 17 will have a minimum of 10 shrubs along the facades facing South 28th and South 29th Streets. The proposed amount of shrubs for the townhomes is deemed acceptable, as shown.

The applicant's updated landscaping plan shows the following foundation plantings along the perimeter of the apartment building:

- North façade (facing 1st Avenue): Five shrubs
- South façade (facing parking lot): Seven shrubs
- East façade (facing S. 28th Street): Zero shrubs
- West façade (facing S. 29th Street): 21 shrubs

The amount of foundation shrubs proposed for the apartment building does not meet planting standards stated above; therefore, the applicant shall update their plan to provide the required amount of shrubs plantings.

4. All parking lot landscape islands shall be planted with at least one large deciduous shade tree and covered with grass, shrubs, or mulch.
5. Not more than 10% of the landscape area shall be or inorganic material such as brick, stone, aggregate, river rock, metal, or artificial turf. Organic mulch may be used around trees and/or shrubs.
6. All disturbed areas not used for buildings and/or off-street parking shall be seeded or sodded with grass turf.
7. All landscaping shall be appropriately maintained and dead plant material(s) shall be replaced at a time appropriate to planting season but in all cases shall be replaced within six months.

4. **Architecture**

- a) The architectural design for the townhomes consists of two-story buildings with a pitched roof, aluminum windows, recessed front entries, and rear loading garages that are accessible from adjacent surface parking lot. Building materials consist of a combination of cement fiberboard siding/panels, corrugated sheet metal cladding around each entry way, and asphalt shingles. Each townhome will be constructed with a residential appearance that is compatible with the adjacent neighborhoods. Mechanical units for the townhomes were not shown on the development plans. Any mechanical units that are clearly visible from an adjacent public rights-of-way shall be screened using landscaping, fencing, architectural features and/or combination thereof.
- b) The apartment building will be an elongated three-story structure with a pitched roof and recessed walls to give the building an urban architectural appearance. Building materials consist of a combination of cement fiberboard siding/panels, corrugated sheet metal cladding on certain sections of the roof and building facades, asphalt shingles, and aluminum doors and windows. Patios will also be provided for several of the ground floor units. A shade structure will be located on the southerly façade adjacent to the main entrance of the apartment building. Information on the location mechanical units was not stated or shown in the submitted plans. The general layout, design, and materials for the apartment building is acceptable as shown; however the Community Development Department recommends that the following architectural enhancements be made to the building so that it integrates well with the vision of the West Broadway Corridor Plan and the adjacent 1st Avenue trail:
 - i. All mechanical units that are clearly visible from an adjacent public rights-of-way shall be screened using landscaping, fencing, architectural features, and/or combination thereof;
 - ii. The shade structure shall be designed and constructed out of materials that are compatible with the apartment building;
 - iii. Add an accentuated entrance that is clearly distinguishable on the lower level of the north side of the apartment building facing 1st Avenue. The entrance shall include one of the following design features: covered walkway, awning, canopy, projected and/or recessed building mass. A minimum five foot-wide sidewalk shall also be constructed that connects this entrance to the 1st Avenue trail. This entrance shall serve as the primary egress/ingress point on the lower level of the north side of the building;
 - iv. Install balconies that are constructed out of metal framing and composite decking on all 2nd and 3rd floor units facing 1st Avenue and South 28th and South 29th Streets, at minimum;
 - v. Add dormers and/or parapet walls to break up the roofline and add visual interest to the building; and
 - vi. Apply additional materials such as glass, stacked stone, masonry, and/or wood siding to the smaller façade “bump outs” add visual interest to the building.
- c) The architectural design of any accessory structures on-site shall be compatible with the general appearance of the apartment and townhome buildings.

5. Off-Street Parking

- a) The submitted development plan shows a total of 84 apartment units and ~~12~~ 16 two bedroom townhomes. The apartment floor plans show a mixture of unit types that consist of 6-studio apartments, 38-one bedroom apartments, 28-two bedroom apartments, and 15-three bedroom apartments. Based on the standards stated in 15.23.060, *Parking spaces required* of the Council Bluffs Zoning Ordinance a minimum of ~~132.5~~ 141 parking stalls are required to accommodate parking for all apartment and townhome unit types in the development. The submitted plan show a total of ~~84~~ 86 surface parking lot stalls for the apartment building and ~~24~~ 16 garages parking stalls for the townhomes, which equates to 1.29 parking stall per apartment unit and ~~2 parking stalls per~~ 1 parking stall per ~~each~~ townhome unit.

~~Section 15.12, MCR/Mixed Commercial Residential District, of the Municipal Code (Zoning Ordinance) provides a less restrictive parking standard for properties located in areas of the city where there is access to multiple modes of transportation. The standard in the MCR District is a minimum of 1 parking stall per dwelling unit with an allowance of additional parking not to exceed 25% of the total number of required off street parking stalls for a development.~~ While the proposed development is under-parked from a regulatory standpoint, the site is located within the West Broadway Corridor and has access to a different modes of transportation (e.g., public bus service, 1st Avenue trail, e-bikes, etc.) other than the personal automobile. Additionally, the property is located within a reasonable walking distance to nearby employment areas and commercial/retail uses along West Broadway and downtown Council Bluffs. ~~It's also anticipated that residents living in this development will have different work/life schedules and that parking will be available as needed. Based on these reasons the Community Development Department recommends a minimum of one off-street parking space per apartment and townhome unit be allowed for this project.~~

- b) All parking/loading areas, driveways and drive aisles shall be design and constructed in accordance with Chapter 15.23, *Off-Street Parking, Loading and Unloading* of the Council Bluffs Zoning Ordinance.
- c) All off-street parking lots shall comply with the Parking for Persons with Disabilities Chapter of the Iowa Administrative Code.
- d) Bicycle parking shall be provided at a minimum rate of one-half space per dwelling unit. Bicycle parking may be provided indoors, outdoors, or combination thereof. Outdoor bicycle parking must be on a hard-surface and connected to the pedestrian/bicycle network.
- e) Landscaping within and along the perimeter of the parking lot shall be provided in accordance with the proposed landscaping plan.

6. Signage

- a) The submitted development plan did not include any information on attached and/or detached signage. Any future signage for the development shall comply with the standards stated in Section 15.33.160(03), *PR/Planned Residential District Signs* of the Council Bluffs Zoning Ordinance.

7. Utilities

- a) Sanitary and storm sewers are available in the adjacent rights-of-way to service the development.
- b) Stormwater management is proposed to be handled through a combination of underground storage and shallow swales. The Council Bluffs Public Works Department stated the subject property is located within a developed watershed with an outfall to the Missouri River that occasionally is closed. The developer shall continue to work with the Public Works Department to create a stormwater management plan that addresses all City requirements.
- c) Public water is available along 2nd Avenue and is partially available along South 28th and South 29th Streets; though it does extend far enough on either of these streets to service the apartment building.

Council Bluffs Water Works stated a water main extension is necessary to fully service the entire development.

- d) Natural gas, electricity, phone and cable television services are available and/or can be extended to service the development. Mid-American Energy has an overhead power lines along South 29th Street that may need to be relocated in order to accommodate the proposed development. All costs to relocate, modify and/or extend utilities to the subject property shall be the responsibility of the developer; unless a separate agreement between the developer and City is approved by City Council.
- e) All utilities within the subject property shall be installed underground.

All City Departments and local utility companies were notified of the proposed request. The following comments were received:

Council Bluffs Public Works Department:

- 1. Public Works noted the submittal of the geotechnical report, drainage study, and concept drawings. Public Works stated they will continue to work with the applicant and their project engineer concerning on all site improvements related to access, stormwater, and sanitary. The proposed development is within a developed watershed with an outfall to the Missouri River that occasionally is closed; therefore stormwater management for the site shall be addressed to the full extent for water quality and quantity. Public Works also commented they will not a License to Occupy for any porch, deck, balcony, etc. that encroaches into City rights-of-way.
- 2. Council Bluffs Permits and Inspections Division stated they have no comments for the proposal.
- 3. Council Bluffs Fire Department stated they have no comments for the proposal.
- 4. Council Bluff Water Works stated a water main extension will be necessary to fully service the development.

Recommendation

The Community Development recommends:

- A. Final plat approval of a 17-lot residential subdivision to be known as West Broadway Village and being legally described as a replat of Block 12, Bryant and Clark's Addition, along with the vacated east/west alley adjacent, City of Council Bluffs, Pottawattamie County, Iowa, subject to the following conditions:
 - 1. The final plat shall be recorded within 90 days of City Council approval or the plat will become null and void unless an extension has been requested and granted by the Community Development Department Director.
 - 2. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements.
 - 3. All comments and technical corrections stated in case staff report shall be addressed on the final plat prior to execution of the document.
 - 4. All utilities shall be installed underground. Any costs to construct, remove and/or relocate any utilities shall be the responsibility of the applicant and/or developer, and not the City.
 - 5. Granting a subdivision variance to allow Lots 2 through 17, West Broadway Village to have lot sizes less than 2,500 square feet, as required in Section 15.11.050, *Site Development Regulations*, of the R-4/High Density Residential District of the Council Bluffs Municipal Code (Zoning Ordinance), based on reasons stated above.
 - 6. Sidewalks shall be installed along the frontage of 2nd Avenue, South 28th Street, and South 29th Street by the applicant and at no cost to the City. The timing of the sidewalk construction shall be determined as part of the building permit review for each phase of development within the subdivision.

7. The applicant shall continue to work with each local utility provider to ensure adequate easements are provided for the installation and maintenance of utilities within the subdivision. Said easements should be stated on the final plat, but may also be recorded separately. All easements shall be identified and recorded with the Pottawattamie County Recorder's Office prior to issuance of any building permits.

B. Approval to amend the adopted PR/planned residential development plan for property legally described as Block 12, Bryant and Clark's Addition, along with the vacated east/west alley adjacent, City of Council Bluffs, Pottawattamie County, Iowa, subject to compliance with all comments and conditions stated in the staff report and the following:

1. Any modifications to the approved development plan which substantially alters the design, layout, configuration, and/or appearance of the project shall be reviewed the City Planning Commission and approved by City Council prior to such changes being made. All minor modifications to the adopted development plan may be administratively approved by the Community Development Director.

Public Hearing

Staff speaker for the request:

1. Christopher Gibbons, Planning Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:

1. Joe Foley, 14503 Grover Street, Suite 102, Omaha, NE 68164
2. Eric Wolfe, 3000 Farnam Street, Omaha, NE 68131

Speakers against: None

The City Planning Commission recommended:

A. Final plat approval of a 17-lot residential subdivision to be known as West Broadway Village and being legally described as a replat of Block 12, Bryant and Clark's Addition, along with the vacated east/west alley adjacent, City of Council Bluffs, Pottawattamie County, Iowa, subject to the following conditions:

1. The final plat shall be recorded within 90 days of City Council approval or the plat will become null and void unless an extension has been requested and granted by the Community Development Department Director.
2. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements.
3. All comments and technical corrections stated in case staff report shall be addressed on the final plat prior to execution of the document.
4. All utilities shall be installed underground. Any costs to construct, remove and/or relocate any utilities shall be the responsibility of the applicant and/or developer, and not the City.
5. Granting a subdivision variance to allow Lots 2 through 17, West Broadway Village to have lot sizes less than 2,500 square feet, as required in Section 15.11.050, *Site Development Regulations*, of the R-4/High Density Residential District of the Council Bluffs Municipal Code (Zoning Ordinance), based on reasons stated above.
6. Sidewalks shall be installed along the frontage of 2nd Avenue, South 28th Street, and South 29th Street by the applicant and at no cost to the City. The timing of the sidewalk construction shall be determined as part of the building permit review for each phase of development within the subdivision.
7. The applicant shall continue to work with each local utility provider to ensure adequate easements are

provided for the installation and maintenance of utilities within the subdivision. Said easements should be stated on the final plat, but may also be recorded separately. All easements shall be identified and recorded with the Pottawattamie County Recorder's Office prior to issuance of any building permits.

- B. Approval to amend the adopted PR/planned residential development plan for property legally described as Block 12, Bryant and Clark's Addition, along with the vacated east/west alley adjacent, City of Council Bluffs, Pottawattamie County, Iowa, subject to compliance with all comments and conditions stated in the staff report and the following:
1. Any modifications to the approved development plan which substantially alters the design, layout, configuration, and/or appearance of the project shall be reviewed the City Planning Commission and approved by City Council prior to such changes being made. All minor modifications to the adopted development plan may be administratively approved by the Community Development Director.

VOTE: AYE – Bailey, Hutcheson, Knauss, Opperman, Rater, Rew, Scott, Stroebele, and Van Houten. NAY - None ABSTAIN – None. ABSENT – Bass. VACANT – One. Motion: Carried.

Attachment A: Original White Lotus development plan proposal

Attachment B: Location/zoning map

Attachment C: West Broadway Village final plat

Attachment D: Proposed White Lotus Group development plans

Prepared by: Christopher N. Gibbons, AICP, Planning Manager